

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

OPERATIVE PLASTERERS AND CEMENT  
MASONS INTERNATIONAL  
ASSOCIATION LOCAL 262 ANNUITY  
FUND, Individually And On Behalf Of All  
Others Similarly Situated,

Plaintiff,

v.

LEHMAN BROTHERS HOLDINGS, INC.,  
RICHARD S. FULD JR., CHRISTOPHER M.  
O'MEARA, JOSEPH M. GREGORY, and  
ERIN CALLAN,

Defendants.

CIVIL ACTION NO. 1:08-cv-05523 (LAK)

**NOTICE OF MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

**NOTICE OF MOTION AND MOTION TO ADMIT COUNSEL *PRO HAC VICE***

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I, Avi Josefson, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

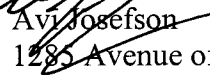
Applicant's Name: Michelle M. Newcomer  
Firm Name: Schiffrin Barroway Topaz & Kessler, LLP  
Address: 280 King of Prussia Road  
City/State/Zip: Radnor, PA 19087  
Phone Number: (610) 667-7706  
Fax Number: (610) 667-7056  
Email Address: mnewcomer@sbtclaw.com

910-425-60136  
AUG 22 2008

Michelle M. Newcomer is a member in good standing of the Bars of the State of Pennsylvania and the State of New Jersey. There are no pending disciplinary proceedings against Michelle M. Newcomer in any State or Federal Court.

Dated: August 20, 2008

Respectfully submitted,  
**BERNSTEIN LITOWITZ  
BERGER & GROSSMANN, LLP**



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Avi Josefson  
1285 Avenue of the Americas  
New York NY 10019  
Telephone: 212-554-1400  
Fax: 212-554-1444

*Co-Lead Counsel for Lead Plaintiffs*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

OPERATIVE PLASTERERS AND CEMENT  
MASONS INTERNATIONAL  
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Defendants.

CIVIL ACTION NO. 1:08-cv-05523 (LAK)

**AFFIDAVIT OF AVI JOSEFSON IN  
SUPPORT OF MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

State of New York                     )  
  )  
County of New York                 )                 ss.

Avi Josefson, being duly sworn, hereby deposes and says as follows:

1. I am an associate at Bernstein Litowitz Berger & Grossmann, LLP, Co-Lead Counsel for the Lead Plaintiffs in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of the Lead Plaintiffs' motion to admit Michelle M. Newcomer as counsel *pro hac vice* to represent the Lead Plaintiffs in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 2003. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. Mrs. Newcomer is an associate at Schiffrin Barroway Topaz & Kessler, LLP in Radnor, Pennsylvania.

4. I have found Mrs. Newcomer to be a skilled attorney and a person of integrity. She is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

5. Accordingly, I am pleased to move the admission of Michelle M. Newcomer, *pro hac vice*.

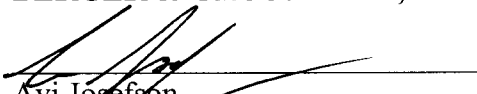
6. In compliance with Rule 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I have attached Certificates of Good Standing for Mrs. Newcomer from Pennsylvania and New Jersey issued within the past thirty days.

7. I respectfully submit a proposed order granting the admission of Michelle M. Newcomer, *pro hac vice*, which is also attached.

WHEREFORE it is respectfully requested that the motion to admit Michelle M. Newcomer, *pro hac vice*, to represent the Lead Plaintiffs in the above-captioned matter, be granted.

Dated: August 20, 2008

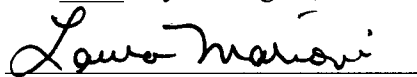
Respectfully submitted,  
**BERNSTEIN LITOWITZ  
BERGER & GROSSMANN, LLP**

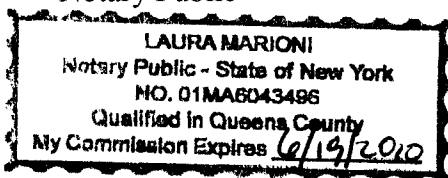
  
Avi Josefson  
1285 Avenue of the Americas  
New York NY 10019  
Telephone: 212-554-1400  
Fax: 212-554-1444

Sworn to and subscribed before me

*Co-Lead Counsel for Lead Plaintiffs*

this 20<sup>th</sup> day of August, 2008.

  
Notary Public





Supreme Court of Pennsylvania

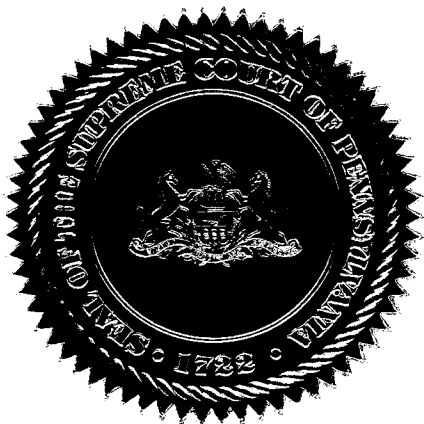
**CERTIFICATE OF GOOD STANDING**

***Michelle Marie Newcomer, Esq.***

**DATE OF ADMISSION**

***October 24, 2005***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

**Dated: August 5, 2008**

A handwritten signature in cursive script, reading "Patricia A. Johnson".

Patricia A. Johnson  
Chief Clerk

# Supreme Court of New Jersey

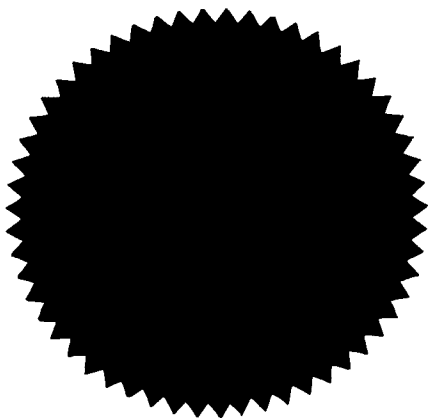


## Certificate of Good Standing

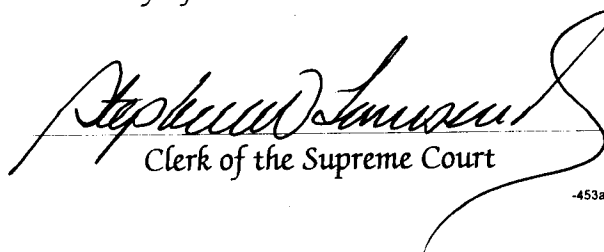
This is to certify that **MICHELLE MARIE BACKES**  
(No. **025702005** ) was constituted and appointed an Attorney at Law of New  
Jersey on **December 18, 2005** and, as such,  
has been admitted to practice before the Supreme Court and all other courts of this State  
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in  
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"  
if the Court's records reflect that the attorney: 1) is current with all assessments  
imposed as a part of the filing of the annual Attorney Registration Statement, including,  
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client  
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not  
resigned from the Bar of this State; and 4) has not been transferred to Disability  
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's  
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to  
practice law in this State.*



In testimony whereof, I have  
hereunto set my hand and  
affixed the Seal of the  
Supreme Court, at Trenton, this  
5TH day of August , 20 08

  
Clerk of the Supreme Court

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OPERATIVE PLASTERERS AND CEMENT  
MASONS INTERNATIONAL  
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ERIN CALLAN,

Defendants.

CIVIL ACTION NO. 1:08-cv-05523 (LAK)

**ORDER FOR ADMISSION *PRO HAC*  
*VICE* ON WRITTEN MOTION**

Upon the motion of Avi Josefson, Co-Lead Counsel for the Lead Plaintiffs, and said  
sponsor attorney's affirmation in support;

IT IS HEREBY ORDERED that

Applicant's Name:	Michelle M. Newcomer
Firm Name:	Schiffirin Barroway Topaz & Kessler, LLP
Address:	280 King of Prussia Road
City/State/Zip:	Radnor, PA 19087
Phone Number:	(610) 667-7706
Fax Number:	(610) 667-7056
Email Address:	mnewcomer@sbtclaw.com

is admitted to practice *pro hac vice* as counsel for the Lead Plaintiffs in the above captioned case  
in the United States District Court for the Southern District of New York. All attorneys  
appearing before this Court are subject to the Local Rules of this Court, including the Rules

governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Lewis A. Kaplan, U.S. District Judge



**CERTIFICATE OF SERVICE**

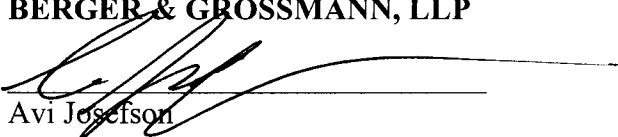
I, Avi Josefson, hereby certify that I filed true and correct copies of the foregoing documents:

- *PRO HAC VICE* MOTION, AFFIDAVIT, AND PROPOSED ORDER.

on Aug. 22, 2008 with the Clerk of the Court. All counsel on the attached Service

List have been served copies of the forgoing documents via the U.S. Postal Service.

**BERNSTEIN LITOWITZ  
BERGER & GROSSMANN, LLP**



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*Co-Lead Counsel for Lead Plaintiffs*

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*Counsel for Operative Plasterers and  
Cement Masons International Association  
Local 262 Annuity Fund*

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*Counsel for The Pension Fund Group*